THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.26013 of 2005

-

Dated:08.12.2005

Between:

Konduru Gopal, S/o.K.Hanumanthaiah,

Aged about 63 years, Ex.Councilor,

D.No.9/32, Bank Street, Guntakal,

Ananthapur District.

..... PETITIONER

AND

The Commissioner cum Election officer,

Guntakal Muncipality, Anantapur District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.26013 of 2005

ORDER:

-

Municipal Elections 2005 were held in the month of September 2005. So as to co-opt Members to the Council, the first respondent invited applications, *inter alia,* from persons having experience in municipal administration for being co-opted under Section 5(2)(v) of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act'). The petitioner and seven others made applications for being co-opted as Member in the said category. The Chairman convened the meeting of the Council on 09.12.2005 at 11.00 am, and the agenda item pertaining to the relevant subject includes consideration of eight applicants including the petitioner herein. Aggrieved by the inclusion of the persons who allegedly sent their applications beyond the prescribed dates and also aggrieved by the inclusion of the candidates who are allegedly disqualified, present writ petition is filed.

As per the provisions of Section 5(2)(v) of the Act read with the Andhra Pradesh Municipal Councils/Nagar Panchayats (co-option of Members having Special Knowledge or Experience in Municipal Administration) Rules, 1995, it is the Municipal Council who has to take appropriate decision in the matter. It is not for this Court to deny the opportunity of being considered any person who applies to the Municipal Council, pursuant to the notice issued by the Commissioner. As per the agenda item, it is no doubt true that two persons made applications on 19.11.2005, who according to the learned Counsel for the petitioner is beyond the prescribed time. In this case, the first respondent issued notice on 11.11.2005 requiring the applicants to make applications within seven days from the date of the notice. It is well settled that in such a situation, the date on which such notice is issued has to be excluded for the purpose of reckoning of seven days. If so, the applications made by those two persons on 19.11.2005 would be within time. Be that as it is, it is submitted by the learned Standing Counsel that the notice was published on 12.11.2005, in which event, the applications made by those two persons are within time.

The Writ Petition is devoid of merit and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

08.12.2005

vs